

**IN THE UNITED STATES OF THE DISTRICT OF DELAWARE**

**FOR THE DISTRICT OF DELAWARE**

**WILLIAM R. DAVIS, as executor  
of the estate of James W. Davis,  
Sr., deceased**

**Plaintiffs,**

**C.A. No. 05-288**

**V.**

**RAYMOND JAMES & ASSOCIATES, INC.,**  
a Florida corporation

**Defendant, Crossclaim-Defendant,**

and

**CHRISTINE M. POFFENBARGER,**

**Defendant, Counterclaim-  
Plaintiff, Crossclaim-  
Plaintiff and  
Third-Party Plaintiff**

**V.**

**WILLIAM R. DAVIS, JAMES W. DAVIS,  
JR., and LINDA M. TROUTT, and  
STAR ENTERPRISE, INC. a  
Delaware corporation,**

### Third-Party Defendants.

**AMENDED ANSWER OF DEFENDANT, RAYMOND, JAMES & ASSOCIATES, INC.**  
**TO CROSSCLAIM OF DEFENDANT/CROSSCLAIM**  
**PLAINTIFF, CHRISTINE M. POFFENBARGER**

16. Defendant, Raymond James & Associates, Inc., is without information or knowledge sufficient to enable it to form a belief as to the truth of the averments in paragraph 16 of the Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger.

17. Defendant, Raymond James & Associates, Inc., is without information or knowledge sufficient to enable it to form a belief as to the truth of the averments in paragraph 17 of the Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger.

18. Admitted.

19. Admitted upon information and belief.

20. Admitted.

21. Admitted that Christine M. Poffenbarger is listed on account documents as the named beneficiary of decedent's IRA. The remaining averments are denied as a conclusion of law to which no response is required.

22. Admitted upon information and belief.

23. Admitted.

24. Denied as a conclusion of law to which no response is required.

25. Denied as a conclusion of law to which no response is required.

26. Denied that defendant, Raymond James & Associates, Inc., is in breach of any duties owed to any party in this case. Defendant, Raymond James & Associates, Inc., admits that Christine M. Poffenbarger is listed on account documents as the named beneficiary of decedent's IRA.

WHEREFORE, defendant, Raymond James & Associates, Inc., demands that Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger, against it be dismissed with prejudice and that judgment be entered in favor of defendant, Raymond James & Associates, Inc., together with reasonable attorneys' fees and costs.

**FIRST AFFIRMATIVE DEFENSE**

The Crossclaim of Christine M. Poffenbarger fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendant, Raymond James & Associates, Inc., reserves the right to interplead into Court those IRA funds at issue in the instant matter.

**THIRD AFFIRMATIVE DEFENSE**

Any and all claims against defendant, Raymond James & Associates, Inc., are barred by the terms of the applicable Agreement.

**FOURTH AFFIRMATIVE DEFENSE**

Defendant, Raymond James & Associates, Inc., breached no duties to any party at any time.

**FIFTH AFFIRMATIVE DEFENSE**

No party is entitled to attorneys' fees, interest or costs from defendant Raymond James & Associates, Inc.

**SIXTH AFFIRMATIVE DEFENSE**

Defendant, Raymond James & Associates, Inc. is a mere stakeholder and has no interest in the proceeds of the IRA account in question.

**SEVENTH AFFIRMATIVE DEFENSE**

Defendant, Raymond James & Associates, Inc., reserves the right to plead additional affirmative defenses as warranted.

WHEREFORE, defendant, Raymond James & Associates, Inc., demands that Crossclaim of defendant/crossclaim plaintiff, Christine M. Poffenbarger, against it be dismissed with prejudice and that judgment be entered in favor of defendant, Raymond James & Associates, Inc., together with reasonable attorneys' fees and costs.

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

**BY: /s/ Kevin J. Connors  
KEVIN J. CONNORS, ESQ.  
DE Bar ID: 2135  
1220 North Market Street, 5<sup>th</sup> Fl.  
P.O. Box 8888  
Wilmington, DE 19899-8888  
Attorney for Defendant,  
Raymond James & Associates, Inc.**

DATED: June 7, 2005  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have served upon all persons listed below two true and correct copies of the AMENDED ANSWER OF DEFENDANT, RAYMOND, JAMES & ASSOCIATES, INC. , TO CROSSCLAIM OF DEFENDANT/CROSSCLAIM PLAINTIFF, CHRISTINE M. POFFENBARGER, above-captioned matter this date via E-file and regular mail:

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**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

**BY: /s/ Kevin J. Connors**

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DATED: June 7, 2005

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